



10-17-05

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Def & Ref

2005 OCT 25 PM 4:15

Docket No.: 20002/0200803-US0  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yossi Corem et al.

Application No.: 10/760,107

Confirmation No.: 7396

Filed: January 1, 2004

Art Unit: 2874

For: FIBER OPTICAL GAIN EQUALIZER

Examiner: Sung H. Pak

REQUEST FOR REFUND (37 CFR 1.28(a))  
SMALL ENTITY STATUS CLAIM (37 CFR 1.27(c))

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The applicants in the above-identified patent application hereby request a partial refund of fees paid with respect to this application. Applicants have assigned this application to Xtellus, Inc. Xtellus hereby asserts, by its attorney, that it is entitled to Small Entity Status.

A three month extension of time fee was paid in full in the amount of \$1020.00 on August 26, 2005 at the time of filing the above-identified application. Because Small Entity Status applies, Applicants are entitled to a refund of \$510.00, half of the full filing fee.

Applicants attach hereto a copy of check No. 9545 in the amount of \$1020.00 paid on August 26, 2005.

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Application No.: 10/206,155

Docket No.: 05986/100H958-US1

Please credit the refund to Deposit Account No. 04-0100 in the name of DARBY & DARBY P.C.

Dated: October 14, 2005

Respectfully submitted,

By   
Pierre R. Yanney  
Registration No.: 35,418  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant

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DARBY & DARBY P.C. PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022		1-8 210 43348074	852 9545
PAY TO THE ORDER OF	COMMISSIONER OF PATENTS & TRADEMARKS	DATE	8/26/05
<i>One Thousand, Twenty</i>		\$1,020.00	DOLLARS <input checked="" type="checkbox"/>
citibank*		The Citigroup Private Bank	
CITIBANK, N.A. BB 4852 153 EAST 53RD STREET NEW YORK, NY 10043		MEMO 101760,107(0200803-US0) +10210000891 433480744 9545 <i>Gabriella V. Karaozi</i>	

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Application No. (if known): 10/760,107

Attorney Docket No.: 20002/0200803-US0

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. 51, in an envelope addressed to:

EV692132253 - 44

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

on October 14, 2005  
Date

Lillian Garsin  
Signature  
Lillian Garsin

Typed or printed name of person signing Certificate

**Registration Number, if applicable**

**Telephone Number**

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

**Request For Refund - Small Entity Status Claim  
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Return Postcard Receipt**

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PTO/SB/22 (12-04)

Approved for use through 7/31/2006, OMB 0651-0031  
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**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)  
FY 2005**  
**(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)**
**Docket Number (Optional):  
20002/0200803-US0**

Application Number	10/760,107-Conf. #7396	Filed	January 16, 2004
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For **FIBER OPTICAL GAIN EQUALIZER**

Art Unit	2874	Examiner	S. H. Pak
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This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 1,020.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

- Applicant claims small entity status. See 37 CFR 1.27.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-0100. I have enclosed a duplicate copy of this sheet.

- I am the  applicant/inventor.  
 assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  
 attorney or agent of record. Registration Number 35,418  
 attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Pierre R. Yanney  
Typed or printed name

August 26, 2005

Date

(212) 527-7769

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

18/30/2005 EFLORES 00000010 10760107

1 FC:1253 -1020.00 OP

Adjustment date: 12/02/2005 SFELEKE1  
08/30/2005 EFLORES 00000010 10760107  
01 FC:1253 -1020.00 OP

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12/02/2005 SFELEKE1 00000012 10760107  
01 FC:2253 510.00 OP  
Ref#: 12/02/2005 SFELEKE1 00000012 10760107  
Name/Number:10760107  
DAI:040100 \$510.00 CR  
FC: 9204